

MINUTES

INDIANA OPTOMETRY BOARD

DECEMBER 7, 2010

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Morrow called the meeting to order at 10:00 a.m. in the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Room W064, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-24-1-2.

Board Members Present:

Douglas C. Morrow, O.D., President
Natalie Olinger-Stine, O.D., Secretary
James Hunter, O.D., Member
Carl Golightly, O.D., Member
Stephan Van Cleave, O.D., Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Attorney General's Office

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

VAN CLEVE/GOLIGHTLY
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE JULY 29, 2010 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes, as amended, from the July 29, 2010 meeting of the Board.

OLINGER-STINE/GOLIGHTLY
Motion carried 5-0-0

IV. APPEARANCES

A. CONTINUING EDUCATION

There were no continuing education appearances before the Board.

B. APPLICATION

There were no application appearances before the Board.

C. REINSTATEMENT OF EXPIRED LICENSE

1. Valerie Colby, O.D., License no. 18003041A

Dr. Colby appeared before the Board, as requested, regarding reinstatement of her expired license. Dr. Colby's license has been expired since April 1, 2004. She explained she has been working in Honduras for the past ten (10) years in a clinic for medical, dental and optometric needs. Dr. Colby stated she was working under a medical doctor. She placed her license in an inactive status in 2002 and realized last year that her license had lapsed. Dr. Colby explained to the Board that she intends to go back to Honduras, but would like to keep an active license in the state of Indiana just in case they decide to return to Indiana. Dr. Colby submitted one hundred (100) hours of approved continuing education and paid the renewal and reinstatement fee.

Board action: A motion was made and seconded to grant the reinstatement of Dr. Colby's optometry license and legend drug certificate.

VAN CLEVE/OLINGER-STINE
Motion carried 5-0-0

V. ADMINISTRATIVE HEARING

A. State of Indiana vs. James Phillip Montgomery, O.D. License No. 18001562A

Administrative Cause No. 2010 IOB 0001

Re: Complaint and Emergency Suspension

Parties and Counsel Present:

Respondent was not present nor represented by counsel
David Fleischhacker, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Morrow, O.D., President (Hearing Officer)
Dr. Olinger-Stine, O.D.
Dr. Van Cleave, O.D.
Dr. Golightly, O.D.
Dr. Hunter, O.D.

Case Summary: Respondents license has been on emergency suspension since February 10, 2010. The State asked the Board to extend the emergency suspension that is already in place until the next meeting of the Board due to criminal charges being filed against Respondent. The State filed an Agreement that would extend the emergency suspension until the Board meets again. The agreement has been signed by both the respondent and his legal counsel, Brad Hamilton.

Board action: A motion was made and seconded to extend the emergency suspension of Dr. Montgomery's optometry license until the next meeting of the Board.

GOLIGHTLY/HUNTER
Motion carried 5-0-0

VI. DISCUSSION

A. Michael P. Rosenblatt, O.D.
VP – Strategic Affairs
American Optometric Association
Re: Board Certification

A letter was received from Dr. Rosenblatt regarding board certification of optometrists. The letter indicates the American Optometric Society is bringing litigation against the American Board of Optometry as they feel board certification is misleading to the public. The AOA has appeared before the American R Board of Optometry requesting the same information in which ARBO is not responding. Dr. Rosenblatt asked in his letter whether or not the Board has responded to Sherry Cooper. Ms. Vaught indicated she had not responded as of yet. The Board feels this is a fact-finding letter from the AOS.

Board action: A motion was made and seconded to send a letter referencing the Indiana Optometry Board statute and rules to Sherry Cooper and Dr. Rosenblatt in response to their requests of the Board.

OLINGER-STINE/HUNTER
Motion carried 4-1-0
*Dr. Golightly opposed

B. Denial of Medicare Issues

Dr. Armstrong has submitted information to the Board that Medicare is denying reimbursement for scraping of cultures. Medicare has stated that this is not in the scope of practice for optometry in order to perform this particular procedure. Dr. Hunter forwarded information to the state association. Dr. Armstrong is asking the Board to draft a letter of their support of the scraping of cornea for smear and/or culture. The Board agreed to have Dr. Hunter advise Dr. Armstrong to continue going through the appeals process with Medicare and to revert back to the statute and rules for guidance.

C. Continuing Education Audit for 2010

The continuing education audit for 2010 renewal cycle has been completed. Of the seventeen (17) optometrists randomly audited, two (2) were not in compliance.

Michael Dankovich, O.D. submitted proof of completion of thirty-three (33) hours of continuing education. He was short seven (7) hours.

Board action: A motion was made and seconded to assess Dr. Dankovich a civil penalty of \$1,000.00 and to complete seven (7) hours of continuing education.

OLINGER-STINE/VAN CLEVE
Motion carried 5-0-0

Jeri Mari Brown, O.D. did not submit proof of any continuing education hours. She was notified on three (3) occasions but failed to submit anything.

Board action: A motion was made and seconded to assess Dr. Brownfield a civil penalty of \$1,000.00 and to complete forty (40) hours of continuing education.

GOLIGHTLY/OLINGER-STINE
Motion carried 5-0-0

D. Dr. Collier
Re: Refractions

The Board received correspondence from Dr. Collier asking whether it is legal for an optometrist to perform only refractions for spectacle prescribing without doing a comprehensive ocular health examination. Board will have Ms. Vaught refer Dr. Collier to the statute and rules and to consult legal counsel for further interpretation.

E. Julie Guillaum, O.D.

The Board received correspondence from Dr. Guillaum indicating she is withdrawing her request for a waiver of continuing education.

F. Jennifer Lininger, O.D.

Dr. Lininger was applying to the State of Indiana by endorsement. She currently holds a license in Florida. She was scheduled to appear before the Board regarding a positive response on her application. The Board is in receipt of a written request from Dr. Lininger to withdraw her application.

VII. CONTINUING EDUCATION

There were no continuing education applications before the Board.

VIII. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications for the Board to review.

B. Examination Applications

There were no examination applications for the Board to review.

C. Faculty Limited License

There were no faculty limited license applications for the Board to review.

D. Professional Corporation Applications

There were no professional corporation applications for the Board to review.

IX. PROBATIONARY REPORT

There were no probationary reports to review.

X. REPORTS

A. Consumer Complaints

Dr. Van Cleve reported there are no consumer complaints at this time.

B. Indiana Optometric Association

Dr. Golightly had nothing to report to the Board at this time.

C. Continuing Education

Since the last meeting, Dr. Hunter has reviewed seventeen (17) hours submitted for optometry credit and approved fifteen (15) of those hours. Dr. Hunter has reviewed two (2) hours submitted for legend drug credit and approved both of those hours.

XI. OLD/NEW BUSINESS

A. Rule Discussion

The Board discussed deletions and verbiage changes to the proposed rule as follows:

- Remove 852 IAC 1-1.1-4(c), as it is already in statute
- Remove 852 IAC 1-1.1-5(d)
- 852 IAC 1-2.1-2-7 amended to read "Proof that the applicant is currently certified in basic life support (BLS) or cardio pulmonary resuscitation (CPR) certified by the American Heart Association, American Red Cross or other provider approved by the Board.
- 852 IAC 1-2.1-4 amended to read "An applicant for an optometry license by examination or endorsement must pass an examination covering Indiana law relating to the practice of optometry. A score of 75 or above is passing."
- 852 IAC 1-5.1-1(c) amended to read "Release of contact lens information to a patient in accordance with CI 16-39-1-1.
- 852 IAC 1-8-1(d) amended to read "'Examination' means the examination for licensure required by the board".
- 852 IAC 1-16-1(b) amended to read "Effective for the license period ending April 1, 2014 and every license period thereafter, optometrists are required, as part of the twenty (20) hour requirement, under subsection (a), to complete two (2) hours of continuing education in any of the following areas: (1) Medical charting; (2) Billing and

coding; (3) Healthcare compliance; or (4) Compliance with federal or Indiana state laws or regulations.”

- 852 IAC 1-16-1(i) amended to add “Eligible credit hours earned in excess of requirement for obtaining the legend drug certificate can be used towards the requirement of obtaining the optometry license.”
- 852 IAC 1-16-1.1(e) corrected the typo from “und” to “under”.
- SECTION 20. 852 IAC 1-16-4 IS AMENDED TO READ AS FOLLOWS: corrected “added” to “amended”.
- 852 IAC 1-16-4.1(b)(5) deleted the word “written”.
- 852 IAC 1-16-4.1(c) amended to read “Courses that are approved by the Council on Optometric Practitioner Education (COPE) in the areas of ocular pharmacology or ocular therapeutics are acceptable and no approval by the Board is required. Automatic approval will cease immediately upon notice from COPE that approval of the course has been discontinued for any reason.”
- 852 IAC 1-16-4.1(d) amended to read “ Courses approved by COPE in the following areas are automatically approved for continuing education: (1) Glaucoma (GL); (2) Peri-operative management of ophthalmic surgery (PO); (3) Refractive surgery management (RS); (4) Treatment and Management of Ocular Disease: Anterior Segment (AS); (5) Treatment and Management of Ocular Disease: Posterior Segment (PS); (6) Ocular Pharmacology (PH); (7) Systemic and ocular disease (SD); (8) Oral Pharmacology (OP); (9) Other COPE courses approved by the Board.”
- 852 IAC 3-1-1 Applicability – Repeal
- 852 IAC 3-1-2 Legend drugs not listed in the formulary – Repeal
- 852 IAC 3-1-3 Certified optometrists required – Repeal
- 852 IAC 3-3-1 amended to read “.....”

B. Extranet for Board Members

Ms. Vaught discussed with the Board members a new extranet website specifically for Board members. This is a site where the calendar, agendas and meeting information will be posted for meetings. Board members can also post items for discussion.

C. Next Meeting

The next meeting of the Board has been changed to February 15, 2011 with the location to be announced.

XII. ADJOURNMENT

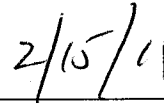
There being no further business, and having completed its duties, the meeting of the Indiana Optometry Board adjourned at 1:00 p.m.

Board action: A motion was made and seconded to adjourn the Indiana Optometry Board meeting at 1:00 p.m.

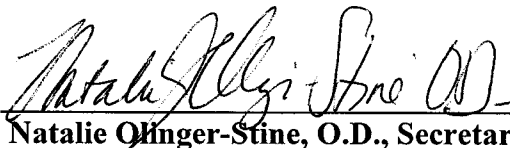
OLINGER-STINE/GOLIGHTLY
Motion carried 5-0-0



Douglas C. Morrow, O.D., President



Date



Natalie Olinger-Stine, O.D., Secretary



Date